



Pennsylvania Department of Environmental Protection

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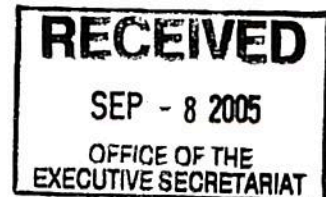
Harrisburg, PA 17105-2063

September 1, 2005

Secretary

717-787-2814

The Honorable Steven L. Johnson  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building, 1101A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460



Dear Administrator Johnson:

I am writing today to express appreciation for providing a waiver for the summertime low (7.8) Reid Vapor Pressure gasoline for the seven-county Pittsburgh area yesterday and to respectfully request the U.S. Environmental Protection Agency issue a "No Action Assurance" for the Reformulated Gasoline (RFG) requirements in the five-county Philadelphia area until September 15, 2005 or until such time as adequate supplies of complying gasoline is assured in the area. We also ask that you extend the low sulfur diesel waiver until November 1, 2005, the beginning of the home heating season. Given the information we have received to date on the effects of Hurricane Katrina on gasoline and diesel fuel supplies in Pennsylvania, we believe this to be necessary to avoid supply disruptions, fuel shortages, and their concomitant impact on consumers.

Let me underscore that for ground-level ozone we have checked weather patterns and weather forecasts with the competent authorities and have been assured that the chance of an ozone event between now and September 15 is very low. My staff, therefore, believes that the gasoline actions would have no negative consequences for either the health of the residents of southwestern and southeastern Pennsylvania or for the attainment status of the regions.

In Pittsburgh, area distributors and state diesel suppliers have told us that supplies are tight and that loading terminals are encountering severe delays and have initiated daily allocations.

The five-county Philadelphia region of Pennsylvania (Bucks, Chester, Delaware, Montgomery and Philadelphia counties) comprise an area designated by EPA as in nonattainment of the National Ambient Air Quality Standard (NAAQS) for ground-level ozone and employs RFG as an effective means to help achieve that standard. The area also contains three major Northeastern petroleum refineries that refine almost 700,000 barrels of crude oil daily into gasoline, diesel fuel and home heating oil, not only for the Commonwealth, but for the



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entire Eastern coast of the United States. Many southern and Mid-Atlantic states that are required to use RFG are already reporting extended wait times at terminals and supply allocations for their customers. The Commonwealth believes that by allowing greater flexibility for Pennsylvania refineries to provide critical fuels for areas unable to receive sufficient supplies will go help the national recovery effort as a result of Hurricane Katrina. A "No Action Assurance" issued by EPA for the RFG program in the five county Philadelphia area will allow Pennsylvania refineries that flexibility.

Concerning low sulfur diesel fuel, we believe that with the pipeline outages as a result of Hurricane Katrina, particularly the Colonial Pipeline, and with refineries switching operations to maximize production of home heating oil a waiver is also necessary for this fuel. This will allow more efficient and effective use of the now limited pipeline capacity and greater fungibility of limited fuel supplies. Indications are that the pipeline problem will continue for the next 30-60 days, making the November 1 date necessary

Thank you for your immediate attention to this pressing matter. If you have additional questions about the effects of the fuel situation on Pennsylvania, please feel free to contact me.

Sincerely,

A large, stylized handwritten signature in black ink, which appears to read "Kathleen A. McGinty". The signature is written over the printed name and title.

Kathleen A. McGinty  
Secretary

